

APPROVED: Meeting No. 39-87

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 16-87

April 6, 1987

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 6, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Jim Coyle

Councilman Douglas Duncan

ABSENT

Councilman Peter Hartogensis
(due to business)

The Mayor in the Chair.

In attendance: City Manager Richard Robinson, City Clerk Carol Kachadoorian, City Attorney Paul Glasgow.

Re: Invocation

The invocation was given by Maurice Jackson of the Jerusalem-Mt. Pleasant Senior Citizen's Housing Corporation.

Re: City Manager's Report

City Manager Richard Robinson reported the following:

1. The Planning Commission has requested staff to look at the feasibility of tax increment financing as a part of the Rockville Pike Corridor Plan. It is staff's opinion that the loss of revenue due to a tax increment financing

district would have a negative impact on the long range financial planning of the City and is, therefore, not recommended by the staff.

2. Over the past several months, staff has been preparing materials for general obligation refunding bonds and new general obligation bonds to take advantage of new tax rates. A schedule for the bond sale has been prepared and was distributed to the Mayor and Council before this evening's meeting. Based upon the most recent bond sales, the City can expect a \$350,000 to \$400,000 net savings from a refunding of existing general obligation bonds. The sale of new general obligation bonds will be used for special assessment funds and other capital improvement program projects. If the market does not look good at the time the City is ready to go out to obtain a rate, we may recommend against refunding at this time.

3. The City Manager advised the Mayor and Council that he will be away from the City on Monday, April 20, 1987, to run in the Boston Marathon. Don Vandrey will be Acting City Manager during this period with assistance from the Director of Public Works, Robert Goodin.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. The City has received a letter from Delegate Mike Gordon that outlines the benefits that will be received from the City from a new gasoline tax that is expected to be passed by the general assembly this year.

2. Governor Schaefer will visit Rockville on May 5, 1987, to discuss the Town Center Plan. The Governor will be meeting with City officials and citizens from 8:30 a.m. until noon. Mayor Van Grack asked for suggestions from citizens on ways to tell the Governor about the City and ask him for help from the State.

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Re: Proclamation: Air Force
Tactical Command Band Day,
April 13, 1987

On a motion from Councilman Duncan, duly seconded, the proclamation declaring April 13th as Air Force Tactical Command Band Day was unanimously passed by the Mayor and Council. Greg Bayor, Director of Recreation and Parks accepted the proclamation on behalf of the Band and stated that he will present the proclamation to the Band when they perform at the F. Scott Fitzgerald Theatre on Monday, April 13, 1987.

Re: Proclamation: Community
Development Week, April
11-18, 1987

On a motion from Councilman Abrams, duly seconded, the proclamation proclaiming the week of April 11-18, 1987, as National Community Development Week was unanimously passed. Councilman Abrams noted that George Karras, a Rockville resident, has been very active in the Community Development Week Program. George has sent his expressions of interest and thanks to the City for adopting the proclamation this evening.

Re: Proclamation: Maryland
Community Development
Week, April 11-18, 1987

On a motion from Councilman Abrams, duly seconded, the proclamation proclaiming the week of April 11-18, 1987, as Maryland Community Development Week was unanimously passed. Mayor Van Grack stated that with the adoption of these two proclamations by the Mayor and Council the City has made a statement regarding community development activities.

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Re: Certificate of
Appreciation to Chief
Jared Stout for
distinguished
contributions to the
National Defense

Ronald Bowers, Alternative Community Services Director, for the City's Police Department presented a Certificate of Appreciation to Chief Stout from the National Committee for Employers Support of the Guard and Reserve.

Re: Appointments

Mayor Van Grack, with concurrence of the Council, appointed the following persons to serve as members of the Ad Hoc Committee on Senior Housing Needs:

1. Benton R. Hanan, Administrator, Bethany House
2. Sharon Parver, Assistant Administrator, Hebrew Home of Greater Washington
3. Sandra Crewe, Executive Director, Rockville Housing Authority
4. Jean Brady, Executive Director, Victory Housing, Inc.
5. Caroline Lewis, Apartment and Office Building Association of Greater Washington
6. Bernard L. Tetreault, Executive Director, Housing Opportunities Commission of Montgomery County
7. Arlene Simons, Consultant, Jerusalem-Mt. Pleasant Senior Citizens Housing Corporation
8. Maurice Jackson, Chairman, Jerusalem-Mt. Pleasant Senior Citizens Housing Corporation
9. Silvio Imas, Rockville Senior Citizen Commission

Re: Citizens' Forum

1. Ruth Loevinger, 12 Lakeside Overlook, advised the Mayor and Council of an article in the recent Montgomery County Public Schools Bulletin regarding the success of Rockville resident, Bruce Haase, who is serving as Assistant Supervisor for English Language and International Education in the school system of Isawa on the main island of Honshu. Mr. Haase is a graduate of Montgomery County Public Schools. He attended Twinbrook Elementary School, Broome Junior

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High School and graduated from Richard Montgomery High School in 1981. Haase is presently fulfilling a two-year contract with the Isawa Board of Education as an English language supervisor.

2. Maurice Jackson, Jerusalem-Mt. Pleasant Senior Citizens Housing Corporation, introduced other members of the Board of Directors of the Corporation including Carole Cohen, Rose Jackson, Jean Johnson and Arlene Simons. Mr. Jackson restated the Corporation's request for \$5,000 for a feasibility study of their housing project in advance of approval of state funding. Arlene Simons addressed the Mayor and Council regarding the major benefits that will accrue should the funding be approved by the Mayor and Council. She stated that the advanced allocation of funds will enable work to begin with an architect and for a site analysis. She stated that should the site owned by the two churches prove unsuitable, other sites could be reviewed. However, if the site owned by the two churches proves to be feasible, then work can begin along with City staff on a text amendment to allow the senior housing project to be built. Ms. Simons stated that the next stage of the project could then begin when the state funding is approved. She suggested that approval by the Mayor and Council of the \$5,000 at this time will show a commitment by the Mayor and Council to senior housing in the City.

Councilman Duncan asked when state funding is expected, and Ms. Simons responded that she expects approval shortly after the beginning of the new fiscal year, July 1, as possible. In response to a question from Councilman Duncan regarding the Corporation's plans, should state funding not be available, Ms. Simons stated that the Corporation will go to Montgomery County. She said that the County has indicated a willingness to fund additional work on the project if a site is selected and zoning is in place.

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Mayor Van Grack suggested that this item be brought up for discussion under new business.

3. Ruppert Curry, 13 Wellwind Way, encouraged the Mayor and Council's support for the project by the Jerusalem-Mt. Pleasant Senior Housing Development Corporation. In addition, he volunteered his time for the City's All America City application.

4. Mike Gewirtz, 1520 Columbia Avenue, addressed the Mayor and Council regarding ways to create opportunities for citizens to obtain more information on City activities. For example, he suggested a looseleaf briefing book on City activities be available after hours for citizens to look at. Councilman Duncan advised Mr. Gewirtz that the Mayor and Council brief book is available for citizens to review in the libraries. Mayor Van Grack suggested, along with Councilman Coyle, that the civic associations are an appropriate mechanism for providing additional information on City activities to its residents.

Re: Consent Agenda

At the request of Councilman Coyle, Item E, "Introduction of Ordinance to Amend Section 3-2.07 of the "Laws of Rockville" so as to replace the Director of Finance with the Personnel Officer as the Executive Secretary to the City's Retirement and Disability Board, was removed due to the resignation of the Personnel Officer.

On a motion from Councilman Duncan, duly seconded, and passed by unanimous vote of those present, the following five items on the consent agenda were approved as recommended by staff:

Re: Approval of request for
on-site SWM Waiver I-270
Widening - North of Rt. 28

The Maryland State Highway Administration (MDSHA) is in the final design

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stage of the widening of I-270 north of Rt. 28, as shown on the attached map. They have requested that the City accept a SWM contribution and grant a waiver of on-site SWM construction requirements for this project. They will also be reconstructing the Rt. 28 interchange but expect to provide SWM storage for this area within the confines of the interchange grassy areas.

The project being considered for waiver will consist of two additional I-270 driving lanes, four collector/distributor lanes and increased shoulder areas. This will increase impervious area by 13.4 acres for a total of 25.16 impervious acres.

Because of the intense development along I-270 and the restricted right-of-way availability, on-site management of stormwater is not feasible. Concrete barriers and retaining walls are proposed on both sides of I-270 in order to keep the roadway slopes within the available right-of-way. Therefore, drainage inlets and pipe systems will be used to carry storm drainage to suitable outfalls at several locations, making it even more difficult to provide any kind of reasonable on-site system(s). The flow is then conveyed by various means to the main stem of Watts Branch stream.

Investigation by City and State staffs indicates that the intermediate stormwater conveyance systems are adequate to safely carry the increased flows to Watts Branch. The City's proposed Wootton's Mill SWM facility will provide adequate storage to control the increased run-off. However, the Maryland Water Resources Administration (MWRA) must act to approve the MDSHA's waiver request. Should that agency require additional stream valley protection measures, then staff will require a supplemental monetary contribution, over and above the usual SWM contribution, to cover the MDSHA' share.

I recommend that, subject to MWRA's concurrence, a waiver be granted and

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that a contribution of \$503,200 (25.16 impervious acres at \$20,000 per acre) be accepted for the City's off-site SWM program. It is further recommended that the City Manager be authorized to determine the amount of and accept an additional contribution for Stream Valley protection measures, if such are required by the MWRA.

Re: Award of Bid No. 50-87:
Repair and installation of
security fencing and
handrails on Frederick
Avenue Pedestrian Bridge

On October 28, 1985, the City and WMATA entered into an agreement whereby the City would repair the Frederick Avenue pedestrian bridge, including repairing and replacing lighting fixtures and electrical wiring, repainting all concrete surfaces, replacing handrail segments as required, repairing spalled concrete surfaces on the ramp landings, and installing protective fencing at a maximum cost of \$85,000.00.

To date the electrical replacements and repairs have been completed at a cost of \$22,000.00, and we have an accepted proposal from Advance Decorating for the designated painting in the amount of \$20,600.00, to be accomplished after the fencing repairs and installation are completed.

Bids were opened at 2:30 p.m. on March 3, 1987, for the repair and installation of security fencing and handrails on Frederick Avenue pedestrian bridge.

There were 16 requests for bids sent out and we received one response.

| Vendor | Total Cost |
|---|-------------|
| 1. Long Fence Company 19550 Frederick Road Germantown, Maryland 20874 | \$37,990.00 |

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Maximum amount authorized by WMATA \$85,000.00

| | |
|-----------------------|------------------|
| Electrical & Lighting | \$22,000.00 |
| Painting | 20,600.00 |
| Fencing | <u>37,990.00</u> |
| | \$80,590.00 |

I recommend that we award the contract to Long Fence Company for the repair and installation of security fencing and handrails on Frederick Avenue pedestrian bridge.

I recommend this be placed on the consent calendar for the Mayor and Council meeting of March 23, 1987.

Re: Award of Bid No. 59-87:
Waterslide for Swim Center

In 1985 a proposal was made to include funds in the FY 1986 Swim Center budget to allow for the construction of a waterslide on deck of the outdoor pool. This proposal was made in an effort to increase revenues, based upon similar situations of municipal pools which have experienced the benefits of a waterslide.

Consideration of this appropriation was given and the recommendation by Mayor and Council was to postpone a decision until further studying waterslide usage. In 1986, the Mayor and Council reviewed the new research and approved the appropriation of \$47,000 for a waterslide in the FY 1987 budget.

Invitation to Bid: Specifications were prepared in February highlighting quality materials and safety. These specifications were mailed out to eighteen waterslide manufacturers requesting the contracting for the materials and labor for installation of a deck mount fiberglass matless waterslide with steel support structure to be constructed at the outdoor pool of the Rockville Municipal Swim Center with a completion date of mid-May 1987.

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Bid - Info:

Banana Plantation Corporation - Proposal included an in-ground slide, did not include construction and was based on used equipment. Therefore, their bid did not meet specifications and is rejected as non-responsive.

Slide-a-Ride - Proposal did not include construction, and therefore, is non-responsive as to the specifications.

Miracle Recreation Equipment Company - Bid included Miracle's standard models 190133 and 190159.

Model 190133 - \$47,000 includes delivery and installation of 133 foot flume length waterslide. Two year warranty on the waterslide parts and tower and ten year warranty as to the structural integrity of the equipment.

Option I - Model 190159 - \$53,500 includes delivery and installation of 159 foot flume length waterslide. Two year warranty on the waterslide parts and tower and ten year warranty as to the structural integrity of the equipment.

References

Marion County Recreation and Parks, Fairmont W.V., Ralph Larue, Director of Recreation - This municipal swimming pool installed a 112 foot waterslide in the summer of 1986 next to their wave pool in an effort to increase daily attendance figures. The director indicated that he had no safety problems or maintenance problems with the Miracle waterslide, that it was very easy to operate and that it in fact did increase attendance.

City of Martinsburg, W.V. - Steve Catlatt, Director of Recreation - Unfortunately, at this writing, Steve Catlatt was out on business and not available for comment.

Sylvan Park Authority, Pittsburg, PA, Dave Ludwig, Pool President - Dave indicated that there was absolutely no difficulty in regard to maintenance and safety. He was completely satisfied with the Miracle waterslide. His closing comments were that "the waterslide definitely stimulated an increase in

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memberships and the members love it."

Recommendations: It is our recommendation that extra funds are appropriated for Miracle Option - 1 at \$53,500. Model 190133, although being closer to our budget amount, is not close to our design concept. Option - 1 Model 190159, although a few dollars more is similar to our design concept and will provide much more user enjoyment. Based on the fact that the fees were set with the ideal that the slide would be in for the 1987 summer and that the revenue projections are a reflection of this, it is recommended that we move forward with this project.

Re: Approval of a change order
for design consultant
services for Ritchie
Parkway

Funding for this project was authorized by the Mayor and Council in the City's FY 87 Capital Improvements Program. We expect to complete the design and construction over the next two years. The plan is to combine this project with the previously authorized Ritchie Parkway project between Rockville Pike and Seven Locks Road for construction purposes.

We presently have a design contract in the amount of \$328,395 with Envirodyne Engineers, a Baltimore Consulting firm, covering design services for Ritchie Parkway between Seven Locks Road and Rockville Pike. Because the two Ritchie projects have overlapping limits at Seven Locks Road, it is desirable, in order to avoid conflicts and also because it will be more cost effective, to use the same design consultant for both projects. Based on this consideration, the City Manager authorized the staff to negotiate a change order to the existing contract to include the design for this project.

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We have worked out an excellent engineering services proposal at a very favorable cost with Envirodyne Engineers covering the new project. They are prepared to incorporate the two designs and proceed immediately, with a completion schedule coincident with our original Ritchie project. Our objective is to complete both designs by latter 1987.

The total project cost, as shown in the Capital Improvements Program, is estimated at \$949,000, with an engineering budget of \$111,000. The fee offered by Envirodyne Engineers is \$30,152.00. Of course, in addition to this cost, the City will expend funds for engineering, administration and construction inspection estimated at \$35,000, for a total of \$65,000, or \$45,000 less than originally anticipated.

Envirodyne is performing in an acceptable manner on the original Ritchie Parkway project. Their proposed fee for the extension is extremely favorable. For these reasons, I recommend the City accept Envirodyne Engineers' proposal as submitted, and authorize them to immediately proceed with the design services.

Re: Approval of Consolidated
Retirement Plan Document
as Definitive Plan
Document

The City's retirement plan has had ten amendments over the years. This high number of amendments makes the plan document difficult to read and interpret. Staff recently completed a consolidation of the various amendments into a single document in order to simplify administration of the plan, both in-house and by the present plan administrator, the Hartford Insurance Company. In the process of doing so, a few minor discrepancies were discovered.

The consolidated plan document and recommendations on the resolution of these discrepancies were presented to the Retirement and Disability Board on March 19, 1987, for their review and approval. The Board approved the

consolidated document with the recommended resolution of the discrepancies and approved one additional change. The consolidated plan document with the changes approved by the Retirement and Disability Board is, therefore, submitted for your approval.

The three changes that are incorporated into this consolidated plan document are as follows:

1. A recent amendment to the plan had deleted Section 9.3 of the plan; however, an earlier amendment had added a Section 9.4 which referenced Section 9.3. On the advice of the City's actuary, this discrepancy has been resolved by altering the wording of Section 9.4 to include the referenced portions of Section 9.3.
2. The plan document has heretofore called for the Retirement and Disability Board to approve both early and late retirements by employees. The City's actuary had previously recommended deleting the approval process for late retirements because federal law guarantees employees the right to work until age 70. The Retirement and Disability Board also agreed that it was appropriate to delete their approval of early retirements as well.
3. During a discussion of a cost-of-living increase for retirees, the Board members agreed with a suggestion that the cost-of-living amount be announced at the same time that it is announced for current employees. Accordingly, it seems appropriate to change the date by which the Board must meet annually to consider a cost-of-living increase from April 1st to July 1st. This change is reflected in Section 5.6 of the consolidated document.

I recommend that the Mayor and Council adopt the attached consolidated plan document, which incorporates the three changes described above, as the definitive plan document for the City of Rockville's retirement plan.

Re: Decision and Instructions
to Staff: Residential
Townhouse Development
(RTH-8-87), Joseph A.
Lynott, Attorney For EBH
Enterprises Limited,
Applicant (Intersection of
Martins Lane and North
Street)

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On a motion from Councilman Duncan, duly seconded, and unanimously passed, the Mayor and Council directed staff to prepare the necessary legal documents to approve the application with the restrictions set by the Planning Commission in its report to the Mayor and Council.

Re: Adoption of Ordinance to
Grant Map Amendment
Application , X-100-86,
Maung Tin & Mya Nwe
Hlaing, Applicant, to
amend the Zoning Map by
including 52,141 square
feet of land located at
the intersection of North
Glen Road and Veirs Road

Ordinance No. 2-87

On a motion from Councilman Abrams, duly seconded, the amendment was unanimously passed.

Re: Discussion: Smoking
Ordinance

Mayor Van Grack advised the members of the Mayor and Council that he had asked that this item be placed on the agenda for the members of the Mayor and Council to discuss. On a motion from Councilman Duncan, duly seconded by Councilman Coyle, it was suggested that staff prepare an ordinance that mirrors the Montgomery County ordinance establishing smoking areas in restaurants. Councilman Abrams asked at the same time that the City Attorney prepare a more restrictive ordinance so that comments can be received from the public.

In response, City Attorney Paul Glasgow suggested that one ordinance be prepared that is like the Montgomery County ordinance and that in the advertising for the public hearing for the ordinance language be included which states that the Mayor and Council would like to hear comments for more restrictive regulation of smoking in restaurants.

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Re: Discussion: Section
8/Voucher Program -
Rockville Housing
Authority (Tentative)

This item was deferred until the Council meeting of April 20, 1987.

Re: Discussion: Peerless
Rockville Grant
Application FY 1988

In response to a question from Councilman Abrams regarding the nature of the grant, City Manager Richard Robinson stated that the grant application for Peerless Rockville is a companion piece to the work completed by the Historic District Commission during the past two years. The grant, if awarded by the State, would provide for an additional program beyond the three-year grant received by the City. In addition, staff will be working very closely with Peerless Rockville on the project.

Mayor Van Grack expressed his support for the grant stating that it is a chance to look at the Martins Lane area. He further asked that the item be brought up for a formal vote under the new business portion of the evening's agenda.

Re: For Your
Information/Correspondence

Councilman Abrams advised those present of a letter the City recently received from the Council of Governments citing that the City has saved more than \$10,000 by participating in its joint purchasing programs.

Re: New Business

1. At the request of the City Manager, Councilman Abram's moved approval of Bid Award No. 62-87, Water and Sewer Adjustments - Project 6B33, 6D11, 6H33, 7A45, and 5K32. The motion was duly seconded and unanimously passed.

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2. On a motion from Councilman Duncan, duly seconded, the Mayor and Council unanimously approved \$3,000 in matching funds for the grant application by Peerless Rockville.

3. Referring to a memorandum that he sent to the Mayor and Council regarding the Rockville Pike Plan, Councilman Duncan asked that the Mayor and Council schedule a work session with the Planning Commission and a work session with the Rockville Pike Advisory Group during the 60-day layover period during which the Rockville Pike Plan is out for review. In addition, he asked that an analysis be provided by staff of the Advisory Group's report. Finally, Councilman Duncan asked for a list of items in the CIP for the current fiscal year that are related to Rockville Pike/TSM improvements. Each of these requests received concurrence by members of the Mayor and Council.

4. On a motion from Councilman Duncan, duly seconded, the Mayor and Council unanimously approved, \$5,000 for the Jerusalem-Mt. Pleasant Senior Housing Development Corporation in advance of receiving funding from the State. Councilman Coyle noted that based upon what was said this evening the City will receive a product from its \$5,000 even if State funding is not forthcoming.

Re: Executive Session

On a motion from Councilman Duncan, duly seconded, and unanimously passed, the meeting was closed for executive session to discuss personnel matters and litigation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 10:35 p.m. to convene again in work session on Wednesday, April 15, 1987, at 7:00 a.m. or at the call of the Mayor.